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7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 PETITION TO AMEND RULE 10.2,
10 ARIZONA RULES OF CRIMINAL
11 PROCEDURE

Supreme Court No. R-09-0037

**Comment of the State Bar of
Arizona on Petition to Amend
Rule 10.2, Arizona Rules of
Criminal Procedure**

12 The State Bar of Arizona supports the petition as modified. The rule
13 should be modified to reflect that a notice of change of judge filed pursuant to
14 subsection (c) of the existing rule does not prejudice a party's right to file a
15 subsequent notice pursuant to subsection (d) once the State has filed its notice
16 of intent to seek the death penalty. As it stands now, the rule permits a notice of
17 change of judge in *non-capital* cases when the case is administratively
18 reassigned to a new judge. The rule should be brought into conformity with
19 respect to capital cases.

20 RESPECTFULLY SUBMITTED this 11th day of May, 2010.

21 
22 John A. Furlong
23 General Counsel
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1 Electronic copy filed with the
2 Clerk of the Supreme Court of
Arizona this 11th day of May 2010.

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4 A copy was mailed to:
5 James J. Haas
6 Maricopa County Public Defender, and
Daniel B. Patterson
7 Deputy Public Defender
620 West Jackson, Suite 4015
8 Phoenix, AZ 85003

9 this 11th day of May 2010.

10 By: Kathleen Lundgren
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